

**TOWN OF FRAMINGHAM PLANNING BOARD**  
**MAY 20, 2003**

In attendance are Helen Lemoine, Chairperson; Ann Welles, Clerk; Tom Mahoney and Carol Spack. Not in attendance is Larry Marsh, Vice Chairperson and Jim Lagerbom. Also present Jay Grande, Planning Board Administrator

Meeting is brought to order at 7:40 pm

**I. Mark Louro, Carruth Capital**

IDG companies have subsidiaries of IDC. The companies outgrew their space so bought Carruth Capital bought the building at 1 Speen Street and would like to install a crosswalk. This crosswalk has gone to Traffic and they have given their approval. This cross walk would cost approximately \$5000.00 and would like to propose \$117,000 worth for the linkage. This crosswalk would connect directly across the road and touch the island. Carruth Capital would be willing to fund the \$5000.00.

Jay asked who would be responsible to do this work?

Mark Luoro said they do not oppose the Town of Framingham to take on this responsibility.

Ann wants to know what type letter the Planning Board would need to write.

Jay noted it would be the credit against future mitigation obligation of the applicant up to \$5000 for the crosswalk. Applicant would be responsible for the coordinating the construction, painting etc. Ann asked if that paper would stand up in a court if necessary. Jay said the letter would.

Helen asked Mark Louro if he had a traffic study. Mark said it is now on going and it would end in June, 2003.

Carol Spack had questions regarding the lighting at this intersection.

Jay said you would need to coordinate the street light through Assistant Town Manager.

Helen noted if there were no more questions or comments we will call for a vote.

**Ann Welles made a Motion to approve the request of Carruth Capital.**

**Helen seconded it.**

**Voted 3 in favor and 0 opposed, and 1 abstaining vote being Larry Marsh who was not here.**

**Letter to Ashland (Document 556)**

Jay presented a draft letter to the Town of Ashland to the Board. They read the letter. Jay asked if the Board wanted to change the word “Undoubtedly” This letter pertains to the project on Myrtle changes into Badger and where Route 135 crosses.

Helen asked if the Board approve of the letter.

**Motion by Ann to send the letter to Town of Ashland.**

**Larry Marsh seconded.**

**Voted 4 in favor and 0 oppose.**

#### **Letter to David Deeds to Parkside (Doc. 555)**

Jay spoke with David last previous week. Ann asked what this means.

Jay said it means the Planning Board made a decision not to build the community center on the Parkside property and we wanted the funds for reassignment. Ann mentioned the financial state of affairs is also a reason not to do it. The funds are going to be kept in mitigation for a specific purpose in the Town of Framingham’s escrow account. These funds will not be used for anything but what it is intended.

Helen explains that the Board is stalling for time due to Tom Mahoney running late. He is on the 8:00 pm train and will be at the meeting by 8:15 pm and would like to have him on the Board before they start any new hearings.

#### **Closing out of Bonds for Campanelli**

They are closing out the Bond for \$375,000 and looking for a release on Bond number 147918. Those improvements were done.

The one they are speaking about tonight is for TJ Maxx. They also have a Bond for \$300,000 at the TJX corporate offices which is a release of the Corporate Center for landscaping. Jay received a letter from Steve Deirdarian asking for this release. Jay preformed two walk through's and reviewed the plant materials but it was too early. He did a second walkthrough and he saw strong plants and fresh mulch.

Last Bond for Street Improvements which we are not ready to release.

Helen asked if the Board is in agreement to take Jay’s recommendation.

**Larry made a Motion to release Performance Bond #147918 with Frontier Insurance Co for traffic mitigation in the amount of \$375,000 related to 770 Cochituate Road which had been in place since October 1999.**

**Ann seconded.**

**Voted 4 approve 0 opposed**

Ann asked if the Board could make an appointment to have someone go for a site visit. Jay said he would speak with Steve Dardarian.

Helen said that Karen Margolis suggested some changes in the Regulations and would like to schedule a meeting. Helen suggested June 9<sup>th</sup>, 2003.

**Public Hearing of Definitive Subdivision of Sanctuary at Hop Brook, 49 Edmands Road,** There has been correspondence (537-03, 552-03 and draft of their decision (553-03).

In attendance are Michael Gatlin, Attorney, Robert Gemma, Engineer

Jay noted there were some waivers from Public Works which relates to the elimination of the two foot utility strip, pipe size, and the slope of the sewer.

Ann mentioned she and Rob went to the site to look at the trees that were to be removed from the right of way on the scenic way, the neighboring lots and the buffering.

Rob gave an update of the project and mentioned that Cindy Dionne suggested downsizing the pitch on the left area. Rob Gemma and Ann did look at the road and the trees removed from the Scenic Way. They also looked at the neighboring lots and buffering.

Carol Spack said she like the idea of the pond area. Ann made further comments on the natural wetlands. She also asked about the trees and spacing in that area. There was more discussion from Ann and David regarding the size and types of tree and how to protect them. Ann proposed since the road is so narrow there may be reasons to some day remove the trees for a right of way. She would like to ask them to plant two sugar maples and to be able to plant them on private property.

Jay said the Board could approve the plans subject to the Conservation Commission approval. It is a separate jurisdiction and very common to do it that way.

Jay has concerns with one of the basin's which is a wetland and he is concerned about infestation of mosquitoes. Right now this is a free flowing brook and once this is made into a basin would this be a controllable with regards to the Conservation Commission. There was further discussion between Board members around the mosquito and wetlands problems.

Sue Bernstein was concerned about the burm in the road and the placing of the homeowner's mailboxes if they had to place their boxes on the other side of the street.

There are five potential waivers for the proposals but only two are listed on page two of document 533-03. The sewer line and the grade, side walks are a waiver, open cul-de-sac and two others in the document but not mentioned on the tape.

The Board continued discussion on sidewalks, widths of right of way, easement, and tree placement.

Jay suggested the Board go back to Engineering and ask for a withdrawal of the ten foot easement, have a standard cross section 50 foot right of way with the sidewalk and with the trees. The only alternative would be between the roads and increase the grassy strip.

Joe Buckley, 9 Juniper Lane asked about the downsizing and wanted to know the dimensions particularly since this abuts his property line. Also asked for information regarding the responsibility if the wetlands do not do what it is intended.

Carol Levin, 89 Edmands Road –noted at the last hearing I asked about how much land is considered untouched land? David said there is fifteen feet.

Jay asked if do we see the grades going into the buffer area and how do they fit into the no-cut zone. David said the topography is not as sloping as Wayside Road and he can do the grading without going near the no-cut zone.

Jay mentioned the 10 foot easement was not mentioned in the Public Works letter and may have been done in the preliminary. Helen asked Jay to make sure the Board got another letter from Engineering noting the easement and some other conditions.

Condition 1 needs to be consistent with Town Subdivision Regulations; Board of Health concerns are not captured in this decision, as well the disposition of open space.

Jay recommended continuing on with the hearing and proceeding with document 553-03. Board proceeded to go through page by page to make any changes in the decision.

Jay wants to pass on the hearing narrative and go directly to the conditions. Jay also wants to know what portions of the storm-water management system will be maintained by the homeowner and the Town. The detention water basin, wetlands and the storm drain at the end of the cul-de-sac would come under the homeowners association.

Jay noted he would need an extension.

**Motion to continue the Public Hearing for Special Permit for Edmands Road until June 17, 2003.**

**Discussion on Planning Board and ZBA administrative assistant position.**

Responsibilities would be 75% for Planning Board, 25% Zoning Board of Appeals. This would include sitting for the minutes for the Planning Board only. Town Manager agreed to put the Administrative Assistant's position under the Planning Board Budget. Questions are raised as to the funding for the minutes for both Boards.

Larry Marsh recalls his conversation with George King regarding the position of administrative assistant and the funding in the budget to hire Karen Margolis as a consultant. There is a desire on his part to have the ZBA administrative assistant as part as the Planning Board. Ann asked Larry in his conversation with George King would

the Planning Board have access to Donna Jacobs? Helen mentioned the Board would need to let this plan play out before they can go forward.

Ann suggests the Board give a letter (? as to who it will be addressed) with a deadline for Thursday, May 22, 2003 at noon. If we don't get confirmation, we could send a letter to Robert Addelson with a copy to the Finance Committee which explains our understanding as to what George King has agreed to.

Jay received a narrative which will go to Town Manager that has errors in sections 8, 11 & 12. The Planning Board agrees with Jay that there are discrepancies and corrections should be made. There was a lengthy discussion regarding possibilities of how to handle this and questions on next year's budget items.

Sue Bernstein has brought up the point that other towns have tried to consolidate administrative positions where there have been two different agenda's and the person has been put in a no win situation because they can not serve two different departments.

Jay suggests that if an emergency meeting needs to be called they should do that.

Helen wants to find out when Finance Committee will meet again. Jay will wait until noontime tomorrow before he contacts Rob if he has not received the amendment. He will copy George King. Larry would like to propose a motion that the Planning Board communicate through the Chair to the appropriate town authorities and would like to receive confirmation by tomorrow evening.

There is a general discussion among the Board Members regarding the budget narrative and the specific budget dollars and the specific number of people.

Larry would like to wait until tomorrow night that confirms the Planning Board's deal, to take the revision that Jay drafts up and start using that document. We then could proceed to Town Meeting on July 2, 2003. Ann would like to clarify the wording which is the PB would like to have the budget numbers and narrative corrected.

Larry suggested that the budget narrative be corrected to reflect the positions under the Planning Board.

### **Summer Planning Board Meeting Schedule**

Helen asked everyone to look at the Summer Meeting Schedule. She reads the meeting schedule and vacation schedule so all will be aware.

Board Members we are unable to schedule every other meeting. Summer schedule the Board is off June 2, or 3 but the rest of June we have meetings. We are on for July 1, off July 8 and on for July 15 & 22, off July 29, on for the first two weeks of August and off the last two weeks of August.

**Planning Board discussion regarding Associate Member Sitting on the Board**

Helen suggested having Jim Lagerbom sit in on the Morton Street and St Patrick's Manor hearings due to her being unable to attend those meetings.

**Motion to refer back the Morency Woods article until the fall.**

Tom Mahoney remembers there were too many item up in the air. The price of selling the land and liability issues were also discussed.

Ann said that Leslie Willetts said it was possible for another community for hold conservation land in Natick. This came as a complete surprise to Chris Petrini.

Larry said he e-mailed information to Chris Petrini regarding other towns.

The Board discusses Sherborn giving land to Framingham for the Women's Correctional Institute as an example.

Ann brought up the **Callahan Senior Committee** could be brought up again and re-presented to the Planning Board. Tom noted they appointed Ned Price until further notice.

Carol mentioned the **Real Property Committee** appointment. Larry and Helen had tabled it to tonight's meeting. Ann noted the Board would need to take off the Tabling.

**Ann made a Motion to take off the tabling of the discussion of last week**

**Seconded by Tom Mahoney**

**Vote 4 approve and 1 opposed.**

Carol Spack would like to serve on this committee. Carol had a question with respect to that topic and sincerely hopes the Board would vote on it tonight.

**Tom made a motion to nominate Carol Spack for the Real Property Committee**

**Seconded by Ann**

**All those in-favor – all those opposed**

**Vote is against the nomination 3 to 2**

Helen opens this to discussion.

Larry explains that this is a real tough one but will jump right into it. Larry mentioned that he and Carol had a conversation the night before. He explains that he is not ready at this point to support the appointment for the Real Property Committee. He explains he feels that the nominee should be representing the Board and since has not known her very long he doesn't feel that she would be a good representative but also does not feel that she wouldn't be a good candidate but would like to wait so he may have the time to get to know her. If the Board was to take a vote to night, we would have to oppose it.

Carol Spack responded that there would be times there would be a unanimously to support but also would be considered as a messenger and she would consider it her

responsibility to bring this information to the Board and discuss it with them before she spoke.

Ann finds herself in an awkward position also. She agrees and disagrees with Larry. When someone is elected to a Board there has to be a level of comfort and a sense of security that our interests would be represented every single time and can't see you running back and forth while the Real Property Committee stands by while you have a discussion with the Planning Board.

Tom Mahoney agrees she would be a good nominee because she has not been on the board very long and may still have the time to do a good job. He cautions that there needs to be an understanding of what the Planning Board feels and you may not be representing the true feelings of the Board.

Helen feels this is food for thought and has not looked at it the way Larry did. She feels that the Real Property Committee only meets four times a year and this would be a cause for concern as the Planning Board. This is a crucial committee and would have some difficulty at this early stage and thinks it is really clear that your philosophy on planning issues are different than the majority of the Board. She would need to give this some more thought.

**Vote on the Motion to nominate Carol Spack to this position**

**Voted 3 approve and 1 oppose**

**Vote is against the nomination**

**Helen nominates Tom Mahoney for the Real Property Committee**

**Larry seconds the motion**

**Voted 4 approve -0 oppose -1 abstained (Tom abstained)**

Larry asked to float an idea with the changes in the staffing and Karen leaving. In some future meeting we may want to discuss how to approach zoning in terms of putting things together items for Town Meeting and updating zoning regulations since Karen will be gone. We should have an ad hoc meeting or a Zoning By-Law review committee.

Karen Margolis will be leaving June 30, 2003. Larry suggests Donna Jacobs.

**Motion to adjourn**

**Seconded by**

**Voted 5 approve 0 oppose**

Respectfully submitted,

Carol A. Pontremoli  
Recording Secretary

**\*\*THESE MINUTES WERE APPROVED WITH AMENDMENTS AT THE  
PLANNING BOARD MEETING OF JUNE 22, 2004.**

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Thomas Mahoney, Chairman